

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
Wheeling**

RANDALL CEDIS MARTIN

Petitioner,

v.

CIVIL ACTION NO. 5:24-CV-18
Judge Bailey

H. RAY,

Respondent.

ORDER ADOPTING REPORT AND RECOMMENDATION

The above referenced case is before this Court upon the magistrate judge's recommendation that petitioner's petition [Doc. 1] be denied and dismissed without prejudice.

This Court is charged with conducting a *de novo* review of any portion of the magistrate judge's report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636(b)(1). However, absent prompt objection by a dissatisfied party, it appears that Congress did not intend for the district court to review the factual and legal conclusions of the magistrate judge. ***Thomas v. Arn***, 474 U.S. 140 (1985). Additionally, any party who fails to file timely, written objections to the magistrate judge's report pursuant to 28 U.S.C. § 636(b)(1) waives the right to raise those objections at the appellate court level. ***United States v. Schronce***, 727 F.2d 91 (4th Cir. 1984), *cert. denied*, 467 U.S.

1208 (1984). No objections have been filed to the magistrate judge's report and recommendation.¹

Accordingly, a review of the record indicates that the magistrate judge's report accurately summarizes this case and the applicable law. Accordingly, the magistrate judge's report and recommendation [Doc. 10] is **ADOPTED**. Petitioner's petition [Doc. 1] is **DENIED** and **DISMISSED WITHOUT PREJUDICE**. Petitioner's Motion for Leave to Proceed *in forma pauperis* [Doc. 2] is **DENIED**.

The Clerk is advised to **STRIKE** this matter from the active docket of this Court.

It is so **ORDERED**.

The Clerk is instructed to provide copies of this Order to all counsel of record, and to mail a copy to petitioner.

DATED: April 23, 2024.



JOHN PRESTON BAILEY
UNITED STATES DISTRICT JUDGE

¹In the Report and Recommendation, United States Magistrate Judge Mazzone specifically advised petitioner of his obligation to file written objections within fourteen (14) days after being served with a copy of the report and recommendation. Despite this advisement, petitioner has not filed written objections within the prescribed deadline.